

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON JULY 13, 2021**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on July 13, 2021 at Town Hall with the Honorable Mary Esther Reed, Mayor, presiding.

Mayor Reed called the meeting to order. The invocation was offered by Citizen Dann Zehr. The pledge of allegiance was led by Fire Chief Bill Culbertson.

The roll was called by the Town Clerk and the following Town Council Members were present:

Mayor Mary Esther Reed
Vice-Mayor Marc Adkins
H. G. Cole
Tim Morrell
Racquel Peebles
Gerry Short
Steve Sullivan

1. Approval or Correction of Minutes of the June 8, 2021 and June 24, 2021 meetings.

The Town Council first considered a motion by Vice-Mayor Marc Adkins to approve the minutes of the June 8, 2021 regular session of the Town Council and the June 24, 2021 regular worksession of the Town Council. The motion was duly seconded by Council Member Tim Morrell. Following discussion, the motion was approved unanimously.

2. Correspondence/Communications.

There was no correspondence/communications to be presented to the Town Council at this time.

3. Awards and Recognitions.

Mayor Mary Esther Reed and Council Member Racquel Peebles announced the following Art Crawl Winners: Veteran Category – Benneth Wilson, Adult Category – Dann Zehr, Youth Category – Josie Hakanson, and Best Use of Theme – Roan Brown. Benneth Wilson and Dann Zehr were present to receive certificates. Council Member Racquel Peebles thanked Melissa Scott for her work with the Art Cooperative.

Mayor Mary Esther Reed and Public Works Director Tom Rose announced the Boat Day kayak winners were Jay Turner and Reagan Ross. Thanks were given to Academy Sports for the donation of the kayaks.

4. Consent Agenda.

The following Consent Agenda items were next presented for consideration by the Town Council:

- a. Approval of the terms of, and authorization for the Mayor to execute, a contract with TMGUSA relative to mowing parcels/lots that are in violation of Smyrna Municipal Code 13-104 "Overgrown and Dirty Lots".
- b. Approval of the terms of, and authorization for the Mayor to execute, an annual agreement with Hawkins Asphalt to perform milling and resurfacing of various roads.
- c. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Kerr Brothers relative to street striping.
- d. Approval of the terms of, and authorization for the Mayor to execute, a one-year contract extension with Sweeping Corp of America relative to street sweeping.
- e. Approval of the terms of, and authorization for the Mayor to execute, a contract with Bush Construction relative to natural gas construction additions.
- f. Approval of the terms of, and authorization for the Mayor to execute, a contract with Consolidated Pipe relative to gas piping.
- g. Approval of the terms of, and authorization for the Mayor to execute, an amendment with CUD to shift one 12-acre parcel on Sam Griffin Road from CUD to Smyrna.
- h. Approval of the terms of, and authorization for the Mayor to execute, a ground lease amendment with the Smyrna/Rutherford County Airport Authority for Lee Victory Park.
- i. Approval of the terms of, and authorization for the Mayor to execute, a Seventh Amendment to Lease Agreement with the Smyrna/Rutherford County Airport Authority for the property currently being utilized for the Smyrna Municipal Golf Course.

- j. Approval of the terms of, and authorization for the Mayor to execute, an agreement regarding tap fees with the Smyrna/Rutherford County Airport Authority.
- k. Approval of the terms of, and authorization for the Mayor to execute, a renewal contract with Cityworks relative to permitting software.
- l. Approval of the terms of, and authorization for the Mayor to execute, Amendment #5 with TDOT to the original contract to extend the expiration date and revise funding on the Weakley Lane Intersection at Swan Drive.

Following discussion, Council Member Gerry Short made a motion to approve and adopt the Consent Agenda and to authorize the Mayor to execute said documents. The motion was duly seconded by Vice-Mayor Marc Adkins. Following further discussion, the motion was approved unanimously. A copy of said documents referenced on the Consent Agenda is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "1".

5. Old Business.

- a. **PUBLIC HEARING:** Consideration of an ordinance relative to the amendment of the approved PRD for property located on Tax Map 32, Parcel 9.04, requested by Adam Green. Property requested to be rezoned contains approximately 5.77 acres and is located on Blair Road. Second Reading.

At this time, Mayor Mary Esther Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. No one spoke for or against the agenda item.

At this time, the public hearing was closed without objection, and the Council meeting was resumed without objection.

The Town Council next considered on second and final reading an ordinance relative to the amendment of the approved PRD for property located on Tax Map 32, Parcel 9.04, requested by Adam Green. Property requested to be rezoned contains approximately 5.77 acres and is located on Blair Road. The recommendation of the Planning Commission was that the Town Council approve the request with the following conditions: 1) a public sidewalk is required along Blair Road and 2) provide ornamental black metal fencing no more than 3 feet tall in the front yard of each unit. Following discussion, Council Member Tim Morrell made a motion to approve and adopt said ordinance on second and final reading with conditions. The motion was duly seconded by Council Member Steve Sullivan. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as adopted on second and final reading, is

attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "2". (Ordinance #21-23).

- b. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 50, Parcel 7.07, from C-2 to PUD, requested by Rob Molchan. The property requested to be rezoned contains approximately 4.48 acres and is located on Seven Oaks Boulevard. Second Reading.

At this time, Mayor Mary Esther Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. No one spoke for or against the agenda item.

At this time, the public hearing was closed without objection, and the Council meeting was resumed without objection.

The Town Council next considered on second and final reading an ordinance relative to the rezoning of property located on Tax Map 50, Parcel 7.07, from C-2 to PUD, requested by Rob Molchan. The property requested to be rezoned contains approximately 4.48 acres and is located on Seven Oaks Boulevard. The recommendation of the Planning Commission was that the Town Council approve the request. Following discussion, Vice-Mayor Marc Adkins made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as adopted on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "3". (Ordinance #21-25).

- c. **PUBLIC HEARING:** Consideration of an ordinance relative to the text of the Design Review Manual to amend Section 3.4 "Architectural Character". Second Reading.

At this time, Mayor Mary Esther Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. No one spoke for or against the agenda item.

At this time, the public hearing was closed without objection, and the Council meeting was resumed without objection.

The Town Council next considered on second and final reading an ordinance relative to the text of the Design Review Manual to amend Section 3.4 "Architectural Character". The recommendation of the Planning Commission was that the Town Council approve the amendment. Following discussion, Council Member H. G. Cole made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as adopted

on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "4". (Ordinance #21-26).

6. New Business:

a. Planning Commission Report:

- i. Consideration of an ordinance relative to the annexation and PID zoning of property located on Tax Map 50, part of Parcel 22.00 as well as Parcels 23.00 and 23.01, requested by Prologis, L.P. on behalf of multiple property owners containing approximately 73.53 acres. Properties are located south and west of Almaville Road and I-24. First Reading.

The Town Council next considered on first reading an ordinance relative to the annexation and PID zoning of property located on Tax Map 50, part of Parcel 22.00 as well as Parcels 23.00 and 23.01, requested by Prologis, L.P. on behalf of multiple property owners containing approximately 73.53 acres. Properties are located south and west of Almaville Road and I-24. The recommendation of the Planning Commission was that the Town Council approve the request with the following conditions: 1) connection to the Olive Branch public sewer line is not allowed until completion of construction; 2) an ingress/egress easement is required to connect to the adjoining Southpark Development. Provide documentation of this easement prior to the site plan approval; 3) Parcel 23.00 is labeled incorrectly as Parcel 23.01 on the plans. Please correct.; and 4) adequate fire flow as required by the adopted fire code must be provided prior to issuance of any building permits for the site. Following discussion, Vice-Mayor Marc Adkins made a motion to approve said ordinance, with the conditions, on first reading. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved 6-1 with Council Member H. G. Cole voting "no". A copy of said ordinance, as approved on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "5". (Ordinance #21- 28).

- ii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 50, Parcel 54.00, from I-2 and C-2 to PID, requested by Prologis, L.P. The property requested to be rezoned contains approximately 9.9 acres and is located west of Almaville Road. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 50, Parcel 54.00, from I-2 and C-2 to PID, requested by Prologis, L.P. The property requested to be rezoned contains approximately 9.9 acres and is located west of Almaville Road. The recommendation of the Planning Commission was that the Town Council approve the request with the following conditions: 1) connection to the Olive Branch public sewer line is not allowed until completion of construction; 2) an ingress/egress easement is required to connect to the

adjoining Southpark development and provide documentation of this easement prior to the site plan approval; 3) Parcel 23.00 is labeled incorrectly as Parcel 23.01 on the plans and need to be corrected; and 4) adequate fire flow as required by the adopted fire code must be provided prior to issuance of any building permits for the site. Following discussion, Council Member Tim Morrell made a motion to approve said ordinance, with conditions, on first reading. The motion was duly seconded by Council Member Steve Sullivan. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "6". (Ordinance #21- 29).

- iii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 28, part of Parcel 44.00 from R-6 to PRD, requested by Alissa Sieben. The property requested to be rezoned contains approximately 39.1 acres and is located on Sam Ridley Parkway, West and Motlow College Boulevard. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 28, part of Parcel 44.00 from R-6 to PRD, requested by Alissa Sieben. The property requested to be rezoned contains approximately 39.1 acres and is located on Sam Ridley Parkway, West and Motlow College Boulevard. The recommendation of the Planning Commission was that the Town Council approve the request. Alissa Sieben and Troy Gardner spoke concerning the request. Following discussion, Council Member Gerry Short made a motion to approve said ordinance on first reading. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved 6-1 with Council Member H. G. Cole voting "no". A copy of said ordinance, as approved on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "7". (Ordinance #21-30).

- iv. Consideration of an ordinance relative to the rezoning of Tax Map 18, Parcel 6.00 from I-3 to I-1, requested by Frederick Grace containing approximately 8.5 acres. Property is located at the corner of North Lowry Street and Aviation Parkway. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of Tax Map 18, Parcel 6.00 from I-3 to I-1, requested by Frederick Grace containing approximately 8.5 acres. Property is located at the corner of North Lowry Street and Aviation Parkway. The recommendation of the Planning Commission was that the Town Council approve the request. Following discussion, Vice-Mayor Marc Adkins made a motion to approve said ordinance on first reading. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "8". (Ordinance #21-31).

- v. Consideration of an ordinance relative to the rezoning of property located on Tax Map 54, part of Parcel 50.01 and amend the approved PRD on Tax Map 54, Parcel 51.00, requested by Shawn Collins and Andre Jaeckle containing approximately 15.2 acres. Properties are located at 8162 and 8286 Rocky Fork Almaville Road. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 54, part of Parcel 50.01 and amend the approved PRD on Tax Map 54, Parcel 51.00, requested by Shawn Collins and Andre Jaeckle containing approximately 15.2 acres. Properties are located at 8162 and 8286 Rocky Fork Almaville Road. The recommendation of the Planning Commission was that the Town Council approve the request. Following discussion, Council Member Tim Morrell made a motion to approve said ordinance on first reading. The motion was duly seconded by Council Member Steve Sullivan. Following further discussion, the motion was approved 6-0-1 with Vice-Mayor Marc Adkins abstaining. A copy of said ordinance, as approved on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "9". (Ordinance #21-32).

b. Packaged Liquor Board Report:

1. Consideration of an application for a Certificate of Compliance for a packaged liquor store from Niravkumar Patel (Smyrna's Divine Wine and Spirits) located at 292 Sam Ridley Parkway East.

The Town Council next considered a motion by Council Member Steve Sullivan to approve an application for a Certificate of Compliance for a packaged liquor store from Niravkumar Patel (Smyrna's Divine Wine and Spirits) located at 292 Sam Ridley Parkway East. The motion was duly seconded by Council Member Tim Morrell. Following discussion, the motion was approved unanimously. A copy of said document is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "10".

c. Consideration of a resolution approving funding for non-profit organizations for fiscal year 2021-2022.

The Town Council next considered a resolution approving funding for non-profit organizations for fiscal year 2021-2022. Following discussion, Vice-Mayor Marc Adkins made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was approved unanimously. A copy of said resolution is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "11". (Resolution #21-19).

d. Consideration of an ordinance relative to an amendment to the Town of Smyrna Municipal Code, Title 15 "Motor Vehicles, Traffic and Parking" Chapter 6 "Parking". First Reading.

The Town Council next considered on first reading an ordinance relative to the Town of Smyrna Municipal Code, Title 15 "Motor Vehicles, Traffic and Parking" Chapter 6 "Parking". Following discussion, Council Member Gerry Short made a motion to approve said ordinance on first reading. The motion was duly seconded by Council Member Steve Sullivan. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "12". (Ordinance #21-33).

e. Appointment of one (1) member to the Board of Directors of Linebaugh Public Library to serve a three (3) year term.

The Town Council next considered a motion by Council Member Steve Sullivan to appoint Sylvanye Roh to the Board of Directors of Linebaugh Public Library to serve a three (3) year term. The motion was duly seconded by Council Member Racquel Peebles. Following discussion, the motion was approved unanimously.

f. Appointment of one (1) member to the Parks Advisory Board to serve an unexpired term ending 2022.

Mayor Mary Esther Reed next appointed Grace Duggin to the Parks Advisory Board to serve an unexpired term ending 2022. The appointment was confirmed by the Town Council.

g. Other.

i. Consideration and approval of the Parks Master Plan.

The Town Council next considered a motion by Council Member H. G. Cole to approve the Parks Master Plan. The motion was duly seconded by Council Member Steve Sullivan. Following discussion, the motion was approved unanimously.

There was no further New Business to be considered by the Town Council.

7. Status Reports.

There were no status reports to be presented to the Town Council at this time.

8. Announcements.

Town Manager Brian Hercules read a thank you note from the Judy Ross Family. He stated ten new license plate readers will be added at various park entrances and downtown areas. He received a call from Mrs. Davis, who was involved in a car accident

on Jefferson Pike, thanking the Fire Department for helping gather her belongings. Town Manager Brian Hercules next read a letter from the LaVergne Fire Chief thanking Smyrna with mutual aid. He thanked all departments that helped with the 4th of July Fireworks Show and stated July was Parks and Recreation Month. He also thanked Victory Church for sponsoring the dunking booth benefiting the Food Bank and Chris Bissinger with nine Stewarts Creek High School students for televising the celebration. He reminded everyone of the *Love Where You Live Campaign*.

Town Attorney Jeff Peach wished his father a "Happy Birthday".

The Mayor and Council Members also commented on the recent 4th of July Fireworks Show. They thanked all the departments that helped with this event.

Council Member Racquel Peebles thanked everyone for her birthday wishes. She also wished her Uncle William Peebles a "Happy Birthday".

Council Member H. G. Cole offered condolences to the Jim Wilson and Mike Gasser families.

Council Member Gerry Short wished his wife a happy 36th anniversary.

Council Member Steve Sullivan spoke about the upcoming United Way Golf Scramble slated for August 6th.

Vice-Mayor Marc Adkins also offered condolences to the Ann Ferrell and Jean Spann families.

Mayor Mary Esther Reed commented on the Farmer's Market, Top Gun Night Run, and the SOAC Run!Jump!Fly!Exhibit. She thanked the Boys and Girls Club for allowing her to read to the children. She also thanked Chaplain York for the invitation to the Grove church services.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE

MARY ESTHER REED, Mayor

ATTEST:

Dianne Waldron
DIANNE WALDRON, Town Clerk